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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,323	03/16/2004	Athanassios Diacakis	42365-01015	3738

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TOWNSEND AND TOWNSEND AND CREW/22395  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/802,323	Applicant(s) DIACAKIS ET AL.	
	Examiner Stephen M. D'Agosta	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-34 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3-30-2006 have been fully considered but they are not persuasive.

1. The applicant has amended all independent claims (except claim 31), hence a new rejection has been provided for these claims. The USC 102 rejection has been deleted and changed to a USC 103 rejection (Havinnis and Melton). The claims which were originally rejected under Havinnis/Melton are now moved under this new heading.

2. For claim 31, the applicant claims the prior art does not reject the claim. The examiner disagrees since the combination of Havinnis and Melton would provide for a robust system whereby one can monitor (over a prolonged period of time) whether a person is within a certain zone/boundary and, if they should leave it, determine where they have gone. So there are two "levels" of monitoring/positioning found, one that tracks if a user is within a certain boundary and one that can track boundless areas. The examiner notes that there is no limitations in the claim language which prohibit this interpretation. The applicant is invited to amend their claim(s) such that the prior art does not read on their design.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8, 11-14, 15-18 and 20-28 20-34** rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. US 6,104,931 and further in view of Melton et al. US 5,255,306.

As per **claims 1, 15 and 22**, Havinis teaches a method for obtaining location information for a wireless unit of interest in a wireless network (title and abstract), comprising the steps of:

providing a system operative to procure location information for a wireless unit of interest from at least one location information source associated with the wireless network (C2, L35-40 teaches BTS "triangulation");

establishing an interface for communications between said system and an entity requesting location information for said wireless unit of interest, wherein said interface defines a standardized format for requesting and providing said location information (C3, L33-36 teaches a generic format);

verifying authorization for said entity to obtain location information for said wireless unit of interest independent of location finding preferences of said wireless unit of interest (C3, L19-21 teaches "authorization of the LA" and L23 teaches "authorization codes" while C3, L46-51 teaches the LA registering with the GMSC. Havinis also describes the mobile user having privacy as well as override of the privacy, C3, L9-32);

obtaining, from said system, location information for said wireless unit of interest (C2, L35-62); and

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providing said location information to a recipient associated with said request (Havinis teaches the request coming from various individuals such as Fleet Management, C5, L17-35 and Taxi companies, C5, L36-60, law enforcement and emergency centers, C4, L45-50).

**But is silent on analyzing the location information to monitor a location of the wireless unit over time,**

**Melton teaches a wireless positioning/monitoring system that monitors a parolee over time to ensure that they are located within a certain location (Abstract)**

***With further regard to claim 15,*** Havinis teaches a system in communication with a first wireless carrier network having a first subscriber set and a second carrier network having a second subscriber set, wherein said system is operative to provide location information for subscribers of each of said carrier networks AND receiving a location information inquiry for a wireless unit of interest, wherein said inquiry requests said location information be provided independent of any location-finding preferences of said wireless unit of interest (C3, L9-36 teaches positioning determination within any wireless network, which inherently implies more than one network and that location services can be utilized by any positioning system, which inherently implies independence of location finding preferences, see L33-36) AND obtaining said location information from said system independent of said location-finding preferences AND providing said location information to a location associated with said request (C3, L9-36).

***With further regard to claim 22,*** Havinis teaches defining at least one trigger event the occurrence of which will result in the provisioning of location information for said wireless unit of interest, wherein said location information is provided independent of any location-finding preferences of said wireless unit of interest (C6, L61 to C7, L10).

**It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that it can analyze the location information to monitor a location of the wireless unit over time, to provide means for keeping a constant watch of the user by determining their position from time-to-time.**

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As per **claims 2, 16 and 23**, Havinis teaches claim 1/15/22, wherein said obtaining step further comprises: overriding a privacy setting associated with said wireless unit of interest (C4, L46-49).

As per **claims 3, 17 and 24**, Havinis teaches claim 1/15/22, wherein obtaining is performed free of said wireless unit of interest being notified of said location information being procured (C8, L17-26 teaches determining position without being noticed by the mobile).

As per **claim 4**, Havinis teaches claim 1, wherein said establishing step allows a requesting entity to define at least one trigger event for triggering the obtaining of said location information (C6, L61 to C7, L10).

As per **claims 5 and 25**, Havinis teaches claim 4/22, wherein said trigger event comprises at least one: a schedule; said wireless unit one of sending and receiving wireless communications; said wireless unit being identified relative to an area of interest (C7, L10-15 teaches triggering events being location and/or the wireless unit being connected in a call, eg. sending/receiving communications).

As per **claims 6 and 26**, Havinis teaches claim 5/25, wherein said establishing step allows a requesting entity to define at least one said area of interest (C6, L1-7).

As per **claims 7 and 27**, Havinis teaches claim 6/26, wherein said area of interest comprises at least one of: an address; a point and radius; another wireless unit; and a geographic boundary (C6, L1-7 teaches areas of interest including a particular USA State, country or location area, which reads on the claim).

As per **claims 8, 18 and 28**, Havinis teaches claim 1/15/22, wherein said identifying step further comprises:

providing a system operative to provide location information for a said wireless unit of interest from at least first and second location information sources associated

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with the wireless network, wherein said first and second location information sources employ first and second different location finding technologies (C8, L61-67 and C2, L35-60 teach using well known cellular system positioning methods while C2, L63-67 teaches using GPS).

As per **claim 11**, Havinis teaches claim 1, wherein providing comprises providing said location information to a recipient at a location other than that associated with said requesting entity (C5, L61-67).

As per **claim 20**, Havinis teaches claim 15, further comprising: verifying authorization associated with said inquiry for said entity to obtain said location information for said wireless unit of interest free of any location-finding preferences of said wireless unit of interest (C3, L19-21 teaches "authorization of the LA" and L23 teaches "authorization codes" while C3, L46-51 teaches the LA registering with the GMSC. Havinis also describes the mobile user having privacy as well as override of the privacy, C3, L9-32);

As per **claim 21**, Havinis teaches claim 15, further comprising: establishing an interface for communications between said system and an entity requesting location information for said wireless unit of interest, wherein said interface defines a standardized format for requesting and providing said location information (C3, L33-36 teaches a generic format).

~~**Claims 12-14 and 29-34** rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and further in view of Melton et al. US 5,255,306.~~

As per **claims 12-14 and 29-30**, Havinis teaches claim 1/22 **but is silent on** further comprising: comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency.

Melton teaches a location monitoring device that tracks a person's location within a certain range of a point of interest (eg. their house) during house arrest (abstract, figure 1 and C1, L20-42). Melton also teaches providing data to an agency (eg. police) who track the individual (C1, L43-58)

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency, to provide means for determining if the user is within a zone of interest and/or may have moved from said zone and to then notify law enforcement.

As per **claim 31**, Havinis teaches a method for obtaining location information for a wireless unit of interest in a wireless network (title, abstract), comprising the steps of: identifying a wireless unit of interest (C5, L16-60 teaches Fleet Management or Taxi companies wanting to know the location of their people/wireless units and law enforcement and emergency centers, C4, L45-50);

establishing at least one zone of interest associated with said wireless unit of interest (C6, L1-7 teaches areas/zones of interest);

**but is silent on** obtaining location information for said wireless unit of interest from at least one location information source associated with the wireless network monitoring a location of said wireless unit relative to said at least one zone of interest; and

notifying a party other than a user of said wireless unit of interest upon an uncertainty of said location overlapping with at least one said zone of interest.

Melton teaches a location monitoring device that tracks a person's location within a certain range of a point of interest (eg. their house) during house arrest (abstract, figure 1 and C1, L20-42). Melton also teaches providing data to an agency (eg. police) who track the individual (C1, L43-58)



It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that it obtains location information for said wireless unit of interest from at least one location information source associated with the wireless network monitoring a location of said wireless unit relative to said at least one zone of interest and notifying a party other than a user of said wireless unit of interest upon an uncertainty of said location overlapping with at least one said zone of interest, to provide means for monitoring/determining if the user is within a zone of interest and/or may have moved from said zone.

As per **claim 32**, Havinis teaches claim 31 wherein obtaining is performed free of said wireless unit of interest being notified of said location information being procured (C8, L17-26 teaches determining position without being noticed by the mobile).

As per **claim 33**, Havinis teaches claim 31, wherein said monitoring step is performed independent of any location-finding preferences of said wireless unit of interest (C3, L9-36 teaches using different types of positioning methods across different types of wireless networks).

As per **claim 34**, Havinis teaches claim 31, further comprising: a plurality of said zones of interest; and a plurality of wireless units of interest, wherein each of said plurality of wireless units of interest are monitored relative to said plurality of said zones of interest (abstract teaches a BATCH mode positioning request that can determine position for multiple users, based on their zone of interest).

***~~Claim Rejections – 35 USC § 103~~***

~~The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:~~

~~(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.~~

**Claims 9 and 19** rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis/Melton and further in view of Bar et al. US 6,456,852.

As per **claims 9 and 19**, Havinis teaches claim 8/18 **but is silent on** wherein said system is operative to aggregate information from said at least first and second different location finding technologies to enhance the accuracy of said location information.

Bar teaches using and combining several different location determining methods to define the location of a user:

FIG. 2 shows a subsystem of the system shown in FIG. 1. A cellular phone 26 transmits signals 28 which are received by one or more location finding base stations 12. Base stations 12 may determine the location of phone 26 by one of, or a combination of, several location finding techniques. In the case where there is not severe multipath, or where accurate location information is not required, any of the conventional methods of location finding may be used. These conventional methods are based on techniques such as direction finding (DF), time of arrival (TOA), and time difference of arrival (TDOA). (C3, L47-50)

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that said system is operative to aggregate information from said at least first and second different location finding technologies to enhance the accuracy of said location information, to provide means for using several positioning systems together to get a more accurate location/position.

**Claim 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and further in view of Havinis/Melton et al. US 6,360,102 (hereafter Havinis #2)

As per **claim 10**, Havinis teaches claim 1, **but is silent on** wherein said verifying authorization step comprises verifying court ordered authorization.

Havinis #2 teaches requiring a court order to allow a law enforcement agent to determine the position of a person:

It should be noted that when the subscriber is roaming, law enforcement LA's 280 will need, in addition to the POK with the value "allowed to override subscriber's privacy settings," a court order in order to be able to override the MS 200 privacy settings. (C8, L64 to C9, L5)

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that said verifying authorization step comprises verifying court ordered authorization, to provide means for ensuring a court has approved the positioning.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

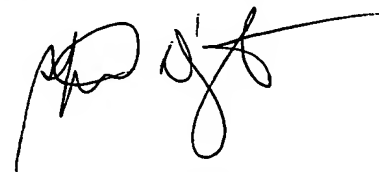
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA  
PRIMARY EXAMINER



4-5-06